

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	8:94CR10
)	
Plaintiff,)	
vs.)	MEMORANDUM
)	AND ORDER
WINSTON THOMAS,)	
)	
Defendant.)	

Defendant, Winston Thomas, has filed a motion to vacate, set aside or correct his sentence under 28 U.S.C. § 2255 (filing 214).¹ Thomas pled guilty to possession with intent to deliver crack cocaine and was sentenced in November 1995 to a term of 324 months' imprisonment, which was subsequently reduced to 264 months.

This is a second or successive § 2255 motion, and Thomas has not received the necessary permission for its filing from the United States Court of Appeals for the Eighth Circuit. In fact, the Court of Appeals has twice denied Thomas permission to file a second or successive § 2255 motion. See filings 207 and 212.

¹ This matter is before the court for initial review, pursuant to Rule 4(b) of the Rules Governing Section 2255 Proceedings for the United States District Courts, which provides:

The judge who receives the motion must promptly examine it. If it plainly appears from the motion, any attached exhibits, and the record of prior proceedings that the moving party is not entitled to relief, the judge must dismiss the motion and direct the clerk to notify the moving party. If the motion is not dismissed, the judge must order the United States attorney to file an answer, motion, or other response within a fixed time, or to take other action the judge may order.

Accordingly,

IT IS ORDERED that:

1. Defendant's § 2255 motion (filing 214) is denied; and
2. Judgment shall be entered by separate document.

March 23, 2007.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge